



MEMORANDUM

DATE: October 26, 2022

TO: Chair Aspinall and Members of the Planning Commission

FROM: Robert D. Dalquest *R D*

RE: Minor modifications to the draft Ordinance for Item 8B. Zone Code Amendment No. 22-0003 regarding Advertising Signs and Structures Near Freeways

This memorandum is to advise the Planning Commission that upon review by the City Attorney, the draft Ordinance has been amended as follows:

1. Some minor changes that reflect newer formatting.
2. Section 17.15.080(F) as follows:
"6. Approval. The Development Services Director, or his/her designee, shall have the authority to approve any freestanding, freeway-oriented outdoor advertising sign that meets the requirements of this sub-section."

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND AMENDING THE UPLAND MUNICIPAL CODE BY AMENDING UPLAND MUNICIPAL CODE SECTION 17.15.080(F) (ADVERTISING SIGNS AND STRUCTURES NEAR FREEWAYS) BY INCREASING THE MAXIMUM TWENTY-FIVE (25) FOOT HEIGHT ALLOWED FOR FREEWAY-ORIENTED ADVERTISING SIGNS, AND ALLOW PROPERTY IN THE REGIONAL COMMERCIAL ZONING DISTRICT THAT IS NOT ADJACENT TO A FREEWAY TO HAVE A FREEWAY-ORIENTED ADVERTISING SIGN

WHEREAS, Section 17.15.080(F) of the Upland Municipal Code (UMC) establishes regulations for "Advertising Signs and Structures Near Freeways".

WHEREAS, comparing the regulations for freeway-oriented signs of other cities along the Interstate 10 Freeway corridor, Upland's freeway sign requirements would be the most restrictive and warrants consideration of a change to the Zoning Code so Upland's commercial sites and centers along the freeway can compete on a level playing field and have adequate freeway visible signage.

WHEREAS, the proposed Zoning Code Amendments are consistent with the Upland General Plan and implement the following General Plan Goals and Policy:

Economic Sustainability Policy [ES-3.10]: Gateway Areas. Better delineate gateway areas to Downtown and distinct retail areas along commercial arterials to identify and brand them as shopping centers.

WHEREAS, After conducting a duly noticed public hearing on October 26, 2022, the Planning Commission recommended to the City Council that it adopt an ordinance amending Section 17.15.080(F) regarding advertising signs and structures near freeways. On _____, 2022 the City Council conducted a duly noticed public hearing regarding the proposed Zoning Code Amendments.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council finds that each fact set forth in the preceding recitals are true.

Section 2. Section 17.15.080(F) (Advertising Signs and Structures Near Freeways of the Upland Municipal Code is hereby amended, as shown below, with all other sections of Section 17.15.080 to remain the same:

"F. Advertising Signs and Structures Near Freeways. Notwithstanding the provisions of Sections 17.15.190 and 17.15.220 and except for relocated off-premises advertising displays as provided in Section 17.15.090, the subject matter of any ~~nonappurtenant freestanding~~, outdoor advertising sign ~~or~~ and structure built ~~within~~ beyond

500 feet of the centerline of a ~~from~~ freeway or parkway right-of-way shall not be visible from such freeway or parkway as defined in the ~~Streets and Highways Code of the State of California.~~

In the case of freeway-oriented commercial sites which have parcel frontage on the freeway, or commercial sites that are within 500 feet from freeway right-of-way, the sign and structure shall be designed and constructed in accordance with the following requirements:

1. Sites adjacent to the freeway. Tthe maximum sign height for any ~~appurtenant~~freestanding, freeway-oriented outdoor advertising sign adjacent to the freeway shall not exceed 25 feet from the uppermost point of the sign down to the finished grade of the parcel on which such sign is located. ~~a horizontal line drawn at the elevation point of intersection from the right-angle point of surface of the structurally elevated roadway of the freeway.~~ The height may be increased to 35 feet if the finished grade at the base of the sign is a minimum of 10 feet below the grade of the freeway. In the event of a depressed freeway, no sign shall exceed a maximum height of 25 feet from the finished~~natural~~ grade of the parcel on which such sign is located.
2. Sites adjacent to the freeway with a frontage of 250 feet or more. For sites with a minimum frontage of 250 feet on a freeway, the maximum sign height for any freestanding, freeway-oriented outdoor advertising sign shall not exceed 45 feet from the uppermost point of the sign down to the finished grade of the parcel on which such sign is located. The height may be increased to 55 feet if the finished grade at the base of the sign is a minimum of 10 feet from the grade of the freeway.
3. Sites not adjacent to the freeway in the Regional Commercial District. For commercial sites that are not adjacent to the freeway but are within the Regional Commercial District and within 500 feet from freeway right-of-way, the maximum sign height for any freestanding, freeway-oriented outdoor advertising sign shall be 55 feet from the uppermost point of the sign down to the finished grade of the parcel on which such sign is located.
4. Sign Area. The maximum sign area for any freestanding, freeway-oriented outdoor advertising sign shall be 250 square feet.
5. Design. The design of any freestanding, freeway-oriented outdoor advertising sign shall contain architectural elements within the sign area and the support structures shall contain a decorative cover.
6. Approval. The Development Services Director, or his/her designee, shall have the authority to approve any freestanding, freeway-oriented outdoor advertising sign that meets the requirements of this sub-section."

Section 3. California Environmental Quality Act CEQA. The City Council finds that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA). The Ordinance qualifies under the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. Pursuant to State CEQA Guidelines, Section 15061(B)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The Amendment is also exempt under State CEQA Guidelines 15311 (Accessory Structures) regarding construction or replacement of minor structures accessory to existing commercial facilities, including on-premises signs.

Section 4. Severability. If any sections, subsections, sentence, clause, or phrase of the Chapter adopted by this Ordinance is for any reason held to be invalid or unconstitutional by the decision or legislation of any court of competent jurisdiction, or by reason of preemptive legislation, such decision or legislation shall not affect the validity of the remaining portions of the Chapter. The City Council declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more of the sections, subsections, sentences, clauses, or phrases thereof is declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

PASSED, APPROVED, AND ADOPTED this [redacted] day of [redacted], 2022.

Bill Velto
Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the [redacted] day of [redacted], 2022, and was finally passed at a regular meeting of the City Council of the City of Upland held on the [redacted] day of [redacted], 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST

Keri Johnson
City Clerk